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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,729	12/04/2003	Paul A. Stenton	UK7694	6335
34803	7590	05/04/2006	EXAMINER	
DAVID A. LINGBECK P.O. BOX 500 ST. MICHAEL, MN 55376			PUROL, SARAH L	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,729	<b>Applicant(s)</b> STENTON, PAUL A.	
	<b>Examiner</b> Sarah Purol	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McCain 3,948,417. Note Cabinet 34, wheel assembly 36, chute assembly 10, tray section 30.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCain '417. McCain teaches doors on the cabinet 34. The removal of the doors with the obvious removal of their function (for the purpose of giving easier access to the interior of the cabinet) would have been obvious for one having ordinary skill in the art at the time of the invention.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCain '417 in view of Tokarev 6,955,366. Although the McCain device may have a breaking mechanism it is not clearly shown or taught in the patent. Tokarev '366 teach wheel support members 24, wheel members 28 rotatably mounted thereto and break members 33 (Figure 4). To provide the McCain casters with breaks as taught by Tokarev '366 for the purpose of keeping the cart in place would have been obvious for one having ordinary skill in the art at the time of the invention.

Claims 1,4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steier et al. '088 in view of Tokarev '366. Steier et al. '088 teach the device including a cabinet 101 with a chute assembly 24. Tokarev '366 teach a wheel assembly with breaking means ( Fig. 4). To provide the Steier et al. device with a wheel assembly for greater mobility would have been obvious for one having ordinary skill in the art at the time of the invention.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steier et al. '066 in view of Tokarev '366 and further in view of Pfeifer 4,395,955.

The combination Steier et al. and Tokarev teach the invention absent the transparency features claimed. Pfeifer '955 teach a transparent merchandise display area. To modify the combination to include transparent sidewalls to allow better viewing of displayed articles would have been obvious for one having ordinary skill in the art at the time of the invention.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of teachings in the immediately preceding paragraph absent the hooks. Offerson teach hooks 50. To therefore add hooks as taught by Offerson for the purpose of holding and prominently displaying suspended articles would have been obvious for one having ordinary skill in the art at the time of the invention.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Similar display carts or merchandisers are illustrated by Breining et al. 5,634,649; Oranday 6,935,644; Zinkgraf et al. 3,776,419.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol. The examiner can normally be reached on Mon. Tue. Thurs. For general questions relating to this application please e-mail the examiner at [Sarah.Purol@USPTO.GOV](mailto:Sarah.Purol@USPTO.GOV).

The examiner prefers e-mail to telephone correspondence whenever possible.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sarah Purol  
Primary Examiner  
AU 3634